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THE ANDHRA PRADESH GAZETTE

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HYDERABAD, FRIDAY, AUGUST 17, 2012.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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COMMISSIONER OF PROHIBITION & EXCISE

SHOW CAUSE NOTICE ISSUED TO SRI M.SAMBASIVA RAO, WORKING AS PROHIBITION AND EXCISE INSPECTOR, VISAKHAPATNAM DISTRICT – REQUEST FOR ASSIGNING NOTIONAL PROMOTION AND SENIORITY IN THE CATEGORY OF ASST. CHEMICAL EXAMINER (EARLIER LAB. ASSISTANT) ON PAR WITH HIS JUNIOR SRI S.V.V.N. BABJI RAO – OBJECTIONS CALLED FOR.

Ref: 1. Repn. Dt.26.11.2009 of Sri M.Sambasiva Rao, Prohibition & Excise Sub-Inspector, ES Task force, Visakhapatnam.
 2. From the Hon'ble APAT interim orders dt.25.02.2010 in O.A.No.1130/2010.
 3. From the CPE Cr.No.9562/CPE/L4, dt.3.3.2010
 4. Govt.Memo.No.52569/Ex.I(2)/2009-2, dt.28.05.2010.
 5. Govt.Memo.No.36017/Ex.I(2)/2010-2, dt.28.09.2010.
 6. From the CPE Cr.No.9562/2009/CPE/L4, dt.15.12.2010.
 7. Govt.Memo.No.36017/Ex.I(2)/2010-7, dt.24.05.2011.
 8. From the CPE Cr.No.9562/2009/CPE/L4, dt.28.07.2011.
 9. From the Hon'ble APAT interim orders dt.03.11.2011 in O.A.No.8552/2011.
 10. Government Memo No.36017/Ex.I(2)/2010-8,Revenue (Excise-I) Dept., Dated 5-7-2012.

Cr.No 9562/2009/CPE/L3.— Sri M.Sambasiva Rao, Proh. & Excise Sub-Inspector, presently working as Prohibition and Excise Inspector, has filed an appeal before the Government stating that he was appointed as Typist in the year 1982 in Horticulture Department. On retrenchment he was absorbed in Excise Department as Typist in Vizag District on 17.08.1989. He passed B.Sc. in 1st Class with 62.6% marks in Chemistry. In the year 1991 he represented for promotion as Lab Assistant and subsequently filed several representations for promotion to the post of Lab-Assistant in Regional Excise Laboratory, Visakhapatnam before the Dy.Commissioner of Prohibition & Excise, Visakhapatnam through proper channel. On 20.03.1995, the Deputy Commissioner of Prohibition and Excise, Vizag considered the case of Sri S.V.V.N. Babji Rao, who got 57% marks in Chemistry in Degree Examination for promotion as Lab. Assistant. Even though he got 62.6% marks in Chemistry, he was not promoted on the ground that he did not possess the minimum qualifying service as on 1995 which is incorrect as he had completed 5 years of service in the category of Typist by the time of considering promotions to the Lab. Asst. post in the year 1995. He has therefore requested to issue orders for his promotion as Lab-Asst. duly giving notional seniority with Sri S.V.V.N.Babji Rao.

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2. Due to non-consideration of his case for promotion in 1995 even though he secured higher merit than Sri S.V.V.N. Babji Rao, he filed O.A.No.1130/2010 in the Andhra Pradesh Administrative Tribunal. In the reference second cited the Hon'ble Andhra Pradesh Administrative Tribunal, in its interim orders dt.25.02.2010 in O.A.No.1130/2010 filed by Sri M. Sambasiva Rao, Prohibition & Excise Sub-Inspector, has directed the third respondent i.e. Govt. to pass appropriate orders on the appeal of the applicant, within a period of three weeks from the date of receipt of a copy of this order pending disposal of the O.A".

3. In terms of the orders issued in G.O.Ms.No.59, Rev(Ex.) Dept. dt.19.01.1982, in a cycle of every three vacancies of Lab-Assts, in each Zone the first vacancy shall be filled in by promotion of Excise Sub Inspectors and the second vacancy shall be filled in by transfer from the members of the AP Ministerial Service working in the Zone and the third vacancy shall be filled by transfer of members of the AP Ministerial Service working in the State Level Offices.

4. Previously four vacancies in the Regional Excise Laboratory, Visakhapatnam were filled up as follows:-

1 st vacancy	: G.Ratnamala
2 nd vacancy	: G.Ramachandra Raju
3 rd vacancy	: M.Kurmanandha Rao
<u>2nd cycle:</u>	
1 st vacancy	: Sri K.Kondala Rao, against S.I quota
2 nd vacancy	: to be filled (i.e in 1995 filled by

Sri S.V.V.N.Babji Rao Jr.Asst, O/o DC P&E Visakhapatnam)

5. Vide the C.P.E Procds.No.Cr.No.33222/Ex/H2/86-X, dt.3.10.1989 guidelines have been issued in terms of the APAT orders in R.P.No.7477/88, dated 03.04.89 stating that "the criteria for selection of Lab-Assts. to be adopted is merit as reflected on the basis of the marks obtained in Chemistry subject in B.Sc."

6. The DC, Visakhapatnam informed that the following persons working in the division at that time had passed B.Sc. Examination with Chemistry as one of the subjects:

Sl.No.	Name of the individual with designation	Date of regularization	% of marks
1)	Smt.I.A.Begum, J.A	21-11-1986	45%
2)	Sri S.V.V.N.Babji Rao, J.A	01-12-1986	57%
3)	Ch.Jagannadha Raju, J.A	15-12-1986	45%
4)	Smt.P.Mangamani, J.A	17-12-1986	45%

7. Sri M.Sambasiva Rao had submitted a representation addressed to the Dy.Commissioner of Prohibition & Excise, Visakhapatnam through Excise Superintendent, Visakhapatnam in Re.No.132/90/B1, dated: 19.03.1991.

8. The Government have observed that Sri S.V.V.N.Babji Rao, Junior Assistant was promoted as Lab.Asst. on 20.03.1995 ignoring Sri M.Sambasiva Rao, Typist who got 62.6% in Chemistry, which is higher than the marks secured by Sri S.V.V.N. Babji Rao (57%). In the concerned records it was mentioned that Sri M. Sambasiva Rao was not eligible for appointment to the post of Lab.Asst. as he had not completed minimum required service for promotion at that time. Actually Sri M. Samba Siva Rao, Typist had completed more than 5 1/2 years of service in the feeder category by the time of consideration of promotion of Sri S.V.V.N.Babji Rao as Lab-Asst on 20.03.1995.

9. Further the Government have also observed that due to non-consideration for promotion, Sri M.Sambasiva Rao, Typist filed representations to the Dy.Commissioner of Proh & Excise, Visakhapatnam which were received on 07.05.95 and 17.06.1995 but apparently no action was taken on his representations nor any endorsement has been issued giving reason(s) for non-consideration of his name for promotion as Lab-Asst.

10. After examining the matter, Government have issued orders in the reference fourth cited to consider the case of Sri M. Sambasiva Rao, Prohibition & Excise Sub-Inspector for deemed promotion to the Post of Lab Asst. in the slot occupied by Sri S.V.V.N.Babji Rao, his junior from the same feeder category (i.e. Ministerial Service working in the zone) as per the cycle of rotation prescribed in the service rules issued in G.O.Ms.No.59, Rev(Ex)Dept, Dated:19.01.1982 and guidelines issued vide Cr. No.33222/Ex/H2/86-X, Dt:03.10.1989. On such deemed promotion Sri S.V.V.N. Babji Rao and his juniors have to be pushed down to the subsequent cycles (3rd cycle and below) in the appropriate slots meant for them. The seniority list in the cadre of Lab-Asst. shall be recast accordingly after giving notices to all the persons likely to be affected.

11. The Commissioner of Proh. & Excise in the reference 6th cited has submitted to the Government that the name of Sri S.V.V.N.Babji Rao cannot be pushed down to the next cycle for want of vacancies and there was no scope of arising vacancies of Lab Assistant in view of discontinuation of the hitherto existing promotion channel as the special rules were re-issued vide G.O.Ms.No.950, Rev.(Ex.) Dept., dt.28.11.1998 as per the recommendations of the OMC (SPF & Ser) and the method of appointment was only by direct recruitment to the equivalent re-designated category of Asst. Chemical Examiner (earlier Lab. Asst.) and hence Sri S.V.V.N.Babji Rao cannot be pushed down to the next cycle for want of vacancies as there was no scope for arising of further vacancies of Lab Assistant in view of discontinuation of promotion channel from the category of Ministerial employees. In between 1995 and 28.11.1998 (date of issue of G.O.Ms.No.950) no vacancy arose for appointment by transfer to the category of Asst. Chemical Examiner. In the meantime Sri S.V.V.N. Babji Rao was further promoted as Asst. Excise Superintendent and Excise Superintendent.

12. In the reference seventh cited, Govt. have requested to furnish certain information regarding details of vacancy position of Lab. Asst. (now re-designated as Asst. Chemical Examiner) which was submitted to the Government in the reference 8th cited.

13. While the matter stood thus, Sri M.Sambasiva Rao has filed another O.A.No.8552/2011 praying the Hon'ble Tribunal to consider and promote him as Asst. Prohibition and Excise Superintendent and Prohibition and Excise Superintendent in pursuance of the Memo.No.52569/Ex.I(2)/2009-2, Dt.28.05.2010. The Hon'ble Andhra Pradesh Administrative Tribunal in its interim order dt.03.11.2011 in O.A.No.8552/2011 has directed the respondents to pass orders as per Rules and on merits on the report submitted by the 2nd respondent i.e., Commissioner of Prohibition and Excise, A.P., Hyderabad in Lr.Cr.No.9562/CPE/L4, dated: 28.07.2011, within a period of six weeks.

14. Government, after careful examination of the matter have observed that Sri S.V.V.N. Babji Rao got subsequent promotions as Asst. Prohibition and Excise Superintendent and Prohibition and Excise Superintendent while Sri M. Sambasiva Rao is still languishing as Prohibition and Excise Inspector. Govt. have already taken a decision, pursuant to the orders of Hon'ble Andhra Pradesh Administrative Tribunal 2nd cited, to promote Sri M. Sambasiva Rao, as Lab. Assistant in lieu of Sri S.V.V.N. Babji Rao in 1995. Sri S.V.V.N. Babji Rao cannot be reverted now since he has already got two subsequent promotions.

15. In the light of the position mentioned in the preceding paras and in pursuance of the directions of the Hon'ble APAT dt.03.11.2011 in O.A.No.8552/2011, Govt., vide reference 10th cited have decided to consider provisionally the case of Sri M. Sambasiva Rao, Prohibition and Excise Inspector for his promotion as Asst. Prohibition and Excise Superintendent and Prohibition and Excise Superintendent on par with Sri S.V.V.N. Babji Rao (less meritorious than him for consideration to the post of Laboratory Assistant) to rectify the injustice earlier done to the individual in relaxation of Rule 33(a) of A.P. State and Subordinate Service Rules and requested to take necessary action accordingly.

16. Therefore, the following individuals are directed to submit objections, if any within (15) days from the date of receipt of this notice/publication of the notice on the provisional decision of the Government; failing which further action will be taken and provisional decision will be finalized basing on the material available on record.

Hyderabad,
28-07-2012.

Dr. SAMEER SHARMA,
Commissioner of Proh & Excise.

To
 Sri S.V.V.N.Babji Rao, P&E.S, Guntur
 Sri P.Surya Rao, P&E.S (Retd)
 Sri M.Sivaprasad, P&E.S, Markapur, Ongole
 Sri U.Chandhraiah, P&E.S, (Retd)
 Sri S.M.K.M.Basha, P&E.S, (Retd)
 Sri M.A.Gaffar, P&E.S, Godavarikhani, Karimnagar
 Sri P.Surya Rao, P&E.S (Retd)
 Sri M.Venugopal, P&E.S (Retd)
 Sri G.Anjan Rao P&E.S, Saroornagar, R.R.
 Sri K.Hemanthnagaraju, P&E.S, Gajuwaka, Visakhapatnam
 Smt Ch. Smitha, P&E.S, Hyderabad
 Sri D. Srikanth Reddy, P&E.S, Vizianagaram
 Smt B.Srilatha, P&E.S, Vijayawada
 Sri T.David Ravikanth, P&E.S, Tenali, Guntur
 Sri J.Hari Kishan, P&E.S, Sanga Reddy
 Sri Sd. Yousuf Hussain, A.P&E.S (Retd)
 Sri M.V.V.S.N. Murthy, A.P&E.S (Through A.C (Distilleries), Kakinda.)
 Sri P.Balaswamy (SC), A.P&E.S, Adilabad
 Sri A.Prakash, A.P&E.S (Retd)
 Sri D.V. Rama Raju, AP&E.S (Retd)
 Sri K.Nazeer Ahmed, AP&E.S, Markapur, Prakasam
 Sri P.Govardhan, A P&E.S (Retd)
 Sri P.Krishna Reddy, P&E.S (Retd)
 Sri P.V.K.Sai Prasad, A P&E.S, (Enft), Kadapa
 Sri G.Prahudas, AP&E.S (Retd)
 Sri N.Chandrasekhar Reddy, AP&E.S/ D.O (Through A.C (Distilleries) Hyderabad)
 Sri D. Sri hari, AP&E.S, Eluru
 Sri G.Mohan Rao, AP&E.S (Enft), Eluru
 Sri S.Harikrishna Swamy, AP&E.S (U/s) through D.CP&E, Khammam
 Sri S. Laxma Reddy, AP&E.S/ D.O, Hyderabad Distillery, Uppal, Hyderabad (Through A.C (Distilleries) Hyderabad)
 Sri G.V.Narayana, A P&E.S,O/O Assistant Commissioner of Prohibition and Excise (Enft), Adilabad
 Sri P.Sai Prasad, A P&E.S (Retd)
 Sri G.Lakshman Rao, AP&E.S (Retd)
 Sri R.V.Sudhakar, AP&E.S, (Enft), Kurnool
 Sri K.Venkata Subbaiah, AP&E.S (Retd).

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